

**MARINE ADVISORY BOARD
THURSDAY, MAY 6, 2004
CITY COMMISSION CONFERENCE ROOM – EIGHTH FLOOR
CITY HALL
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA**

BOARD MEMBERS PRESENT

**ATTENDANCE
Cumulative From 5/1/03**

Ryan Campbell	P-10	A-1
Richard Duncan	P-11	A-1
Barry Flanigan	P-10	A-2
Maria Freeman	P-4	A-1
Tom Gleason	P-11	A-0
Joseph Hessmann	P-11	A-1
Roger McKee	P-11	A-1
Norbert McLaughlin	P-11	A-1
David McNulty	P-7	A-5
Ted Peterson	P-9	A-3
Robert Sadowski	P-10	A-2
Rick Schulze	P-11	A-1
John Tyrrell	P-1	A-0
Dr. Geraldine Udell	P-8	A-4
Peter Zachary	P-6	A-1
Eugene Zorovich	P-10	A-1

Board Members Absent

David McNulty
Roger McKee
Ted Peterson
Peter Zachary

Staff Present

Jamie Hart, Supervisor of Marine Facilities
Mike Horn, Intracoastal Facilities Dockmaster
Marlene Kimble, Downtown Facilities Dockmaster
Chuck Adams, Redevelopment Services & Marine Facilities Manager
Sgt. Mike O'Connor, Marine Patrol Unit
Karl Shallenberger, Public Services, Program Coordinator

Jamie Hart stated that the Recording Secretary was unable to attend tonight's meeting due to a last minute emergency, and therefore, encouraged the Chair to have all speakers identify themselves so the names would be recorded on tape.

CALL TO ORDER

Vice-Chair Norbert McLaughlin called the meeting to order at approximately 7:00 p.m. Roll call was taken and a quorum was present.

APPROVAL OF MINUTES – April 1, 2004 Meeting

Vice-Chair Norbert McLaughlin asked if anyone had any additions or corrections to the minutes of the April 1, 2004 meeting.

Ryan Campbell stated that on page 19, third paragraph under Tour Boats, it stated: "Mr. Bekoff had stated at this Board's meeting that there was no operation as the original water tax," and it should read: "...the original water taxi."

Barry Flanigan asked if it would be appropriate at this time to ask about the status of an agenda item at this time. Vice-Chair McLaughlin stated that should come up under New Business.

Motion made by Rick Schulze and seconded by Ted Peterson to approve the minutes of the April 1, 2004 meeting. Board unanimously approved.

Introduction of New Members

Vice-Chair Norbert McLaughlin stated that the Board had a new member.

John Tyrrell stated that he had come to Fort Lauderdale in the mid-'80's as a Motor Yacht Captain and had returned to the City and decided to stay. He stated that he was currently working with Intracoastal Realty.

Election of New Officers

Vice-Chair Norbert McLaughlin announced that some members of the Board were absent this evening, and asked if they wanted to hold the elections tonight or if everyone wanted to hold them at the end of the meeting in case some members arrived later.

Motion made by Joseph Hessmann and seconded by Barry Flanigan to hold the elections at this point in time. Board unanimously approved.

Joseph Hessmann nominated Barry Flanigan as Chairman of the Marine Advisory Board for the year 2004/2005. No other nominations were offered.

Motion made by Joseph Hessmann and seconded by Ryan Campbell that the nominations for Chairman be closed. Board unanimously approved.

Motion made by Joseph Hessmann and seconded by Ryan Campbell to elect Barry Flanigan as Chairman of the Marine Advisory Board for the year 2004/2005.

Roll call vote: YEAS: John Tyrrell, Rick Schulze, Barry Flanigan, Eugene Zorovich, Dr. Udell, Joseph Hessmann, Ryan Campbell, Robert Sadowski, Norbert McLaughlin, and Richard Duncan. NAYS: None. Motion carried unanimously 10-0.

Barry Flanigan was elected Chairman of the Marine Advisory Board by a unanimous vote of the Board Members present.

Richard Duncan nominated Norbert McLaughlin as Vice-Chair of the Marine Advisory Board for the year 2004/2005. No other nominations were offered.

Motion made by Joseph Hessmann and seconded by Richard Duncan to close the nominations for Vice-Chair. Board unanimously approved 10-0.

Motion made by Richard Duncan and seconded by Rich Schulze to elect Norbert McLaughlin as Vice-Chair of the Marine Advisory Board. Motion carried unanimously 10-0.

Norbert McLaughlin was elected as Vice-Chair of the Marine Advisory Board.

Chair Barry Flanigan thanked the Board for their vote of confidence and hoped they could begin to set some policies that could be worked on during the coming year.

Chair Barry Flanigan stated that he had hoped that in the future the City employees associated with the docks would bring forth comments or complaints that they heard from the customers to this Board.

Presentation – Adopt-A-Waterway Program Proposal

Karl Shallenberger, Public Services/Environmental Services, stated that he wanted to introduce Paul Polizzotto of the Adopt-A-Waterway Program. He stated that Mr. Polizzotto had made a presentation to the City Commission about a month ago, and they had deferred making a decision on the matter until he could make a presentation to the Marine Advisory Board.

Paul Polizzotto stated he was with a company known as Environmental Communication who operated a program known as Adopt-A-Waterway. He stated they had created a public/private partnership to help cities and counties throughout the Country to clean up their rivers, lakes and streams. He explained that they provided cities with comprehensive community outreach and education programs, as well as critical findings and technologies which measurably improve water quality. He stated they did this by bringing in private corporations to help fund these programs. He stated there were many vehicles used by them for the outreach programs, such as signage and television. He explained that from the signs being shown to the Board 50% of the monies goes directly to the city or county to fund such programs. He stated that the monies had to be used exclusively for such outreach. He advised that Miami was the first city outside of California to have such a program. He stated they were now moving into the northeast areas to incorporate such programs.

Mr. Polizzotto stated that Miami had approved the installation of 100 signs throughout the city, and the program was supported by Comcast, Florida Power and Light, Publix, WCIB Communities, Waste Management, and Royal Caribbean Cruise Line. He stated that the program would provide three-quarters of a million dollars per year to the City of Miami. He explained that the signs were not large and advised that the program had started in Southern California. He remarked that cities would not be inundated with such signage. He explained there was also media coverage during prime time in English and Spanish to help educate the public. He explained further that the City of Miami had a

MARINE ADVISORY BOARD MEETING

MAY 6, 2004

PAGE 4

very specific plan and were going to increase their street sweeping along streetscape waterways, installing filters to clean out debris, along with other such programs. He remarked that in California they were restoring wetlands and native pools and focusing on schools for increased education in this matter.

Mr. Polizzotto continued stating that they had been recognized by all different stakeholders, advocacy groups, regulatory public bodies, city and county governments and corporations. He stated this was an extension to expand their program in Southern Florida. He felt they could help the City of Fort Lauderdale to comply with the Federal and Environmental Regulations, as well as those of the State, while providing funding at no cost to the taxpayer.

Mr. Polizzotto stated that he wanted to show the television component to the Board because it was an important part of the outreach program. Since corporations were purchasing the public service announcements, the content was provided at no cost to the City and was put on at prime time. He explained that Comcast rebated back part of the spot to the City each time it was shown which turned it into a funding source.

Mr. Polizzotto proceeded to show the television announcements. He explained that the signs were placed on high-traffic commercial streets where most of the pollution happens and there was the ability to place these close to the waterway, as well.

Chair Barry Flanigan stated that recently they had viewed photographs of lawn maintenance individuals blowing debris into the waterways, including City employees.

Mr. Shallenberger stated that if one sailed down the New River, one would see outfalls coming in from the stormwater system, especially near the Downtown area. He explained that he would want to use the monies from this program to retrofit the stations so such things would not occur. He stated that he had already done some research on the matter, and explained that one of his first goals would be to get the outfall going into the waterways fitted with some sort of containment device. He explained that the State of Florida would be coming into the City in 2006 telling them that certain things were going to have to be done, and that only a portion of pollution would be permitted to go into the rivers and waterways. He stated it was known as TMDL (Total Maximum Daily Loads) and the State was divided into 5 categories. He explained the City was fortunate because it was in category #3 so by the time they finish with the areas in #1, they'll have a better idea of what they are doing before proceeding into the next category.

Mr. Shallenberger stated further that residents were paying storm water fees on their water bills now amounting to about \$2.50 per month. He reiterated that none of the water going into the sewers had been treated. He felt this goal affected everyone more than just doing something on individual streets. He stated they were looking at about \$250,000 to retrofit the two stations. He continued stating that there were other major outfalls that he wanted to retrofit also, including the area of the River behind the South Port bar.

Joseph Hessmann asked if they had not installed special filters at the Las Olas Marina. Mr. Shallenberger confirmed and stated it was the only place they had done so.

MARINE ADVISORY BOARD MEETING

MAY 6, 2004

PAGE 5

Chair Barry Flanigan asked what other options were being considered and was there an alternative program available. Mr. Shallenberger stated that he had a lot of uses for the money and had some reservations regarding the program, and that was why he was asking for comments from this Board and the City Commission. He stated the question was whether the City wanted this type of advertising within the City which would bring in these monies. He stated that the alternative was to raise the storm water fees in 2006/2007 in order to comply with the regulations of the State of Florida for improving the waterways.

Mr. Polizzotto explained they were looking at between \$100,000 to \$250,000 per year of funds coming in depending on the size of the program initiated. He stated that he respected the idea regarding signs, but this program had been adopted and no complaints had been received from the cities doing so. He explained that from this program cities ended up with more than 50% of the funds.

Chair Barry Flanigan asked how many signs would be involved in the program. Mr. Polizzotto explained that 100 had been approved for Miami, but it was up to the City to determine the number. He reiterated that he did not want to create a program that would be looked upon negatively. He explained whatever the City felt was needed to take care of their needs would be the goal of the program. He proceeded to show examples of the signs used to the Board. He further stated their goal was to have the signs make people think about their city and waterways. He explained that they installed the signs and would be responsible to remove them in case of a hurricane. He reiterated there would be no cost to the City.

Chair Barry Flanigan asked if matching funds were available through other State agencies. Mr. Shallenberger stated that it could be possible, but there were problems with grant monies. He reiterated there were not a lot available at this time due to national security interests, and many people were asking for such grants. He stated that another problem with grants were what had to be done to enforce them and administer them. He explained if they had matching funds they would have a better chance of obtaining such grant monies. He stated that was a key element.

Mr. Shallenberger reiterated that grant monies for storm water were not easy to obtain and Commissioner Hutchinson had been helping them to obtain such funds. He reiterated further that monies were tight.

Richard Duncan asked who would design the signs. Mr. Polizzotto stated they worked with the City to determine the look they wanted and what would be appropriate for the area. He explained that two different signs could be used, one that would be along the waterways and one that could be installed at intersections. He stated that in Miami the signs were in various languages depending on the area.

Mr. Shallenberger stated there was a lot of trash going into the waterways and storm drains. He explained that in 1990 the Federal Government stated that the cities had to have the permits and water quality had to be cleaned up and maintained. He explained that water quality was their number one priority. He stated there was an annual inspection and they were questioned what was being done regarding public outreach and education, retrofitting the storm water system, cleaning of streets, along with other

items. He stated the more things that came out of the waterways, the more they would have to clean up. He explained that with more retrofitting of the systems, sanitation would become more involved.

Mr. Polizzotto reiterated that maintenance was critical, and as part of the program in Miami they had included this in their RFP. He explained that the filters were cleaned about 4 times a year which was done by an outside contractor. He stated that their program also helped to create jobs in the area.

Rick Schulze stated that the major River pollution which was entirely out of the City's control was the New River Tunnel. He stated there was a water processing utility within the tunnel, and stated he did not know where that waste water went to. He thought it was to collect the large particular contaminant in the water, but did nothing for the exhaust admissions washed through the storm drains. Mr. Shallenberger remarked that none of their money would go to DOT. Mr. Schulze asked if they were doing anything regarding the matter or if this program was adopted in total for the City, if they could not also do the same. Mr. Shallenberger stated that when they met the TMBO, they would be done county-wide. He stated that all outfalls would be reviewed and something would get done and standards would have to be met. He explained that sampling would begin at the end of this year and such research would help them determine what to do. He stated that he wanted to be ahead of the game, and the major outfalls they had which were putting pollutants into the waterways were being addressed. He reiterated that he wanted to be pro-active in this regard.

Chair Barry Flanigan asked if it was the practice to always filter at the discharge and not eliminate what goes in. Mr. Shallenberger explained that the agitation was in itself an attempt to not have it go there in the first place, and their first line of defense would be television, signage, and education materials.

Ryan Campbell asked if this program met the Federal level requirements including education of the public. Mr. Shallenberger confirmed and stated that he was not totally sold on the idea of signage for the City. He stated there were additional things the City would be getting besides the signs such as education materials. He added that brochures were already being distributed in the water bills out of his office.

Rick Yosci stated that coming out of the waterways were over-nutriented, oxygen deficient, turbid water which impaired water quality at least twice a day. He stated that 25 years ago he saw this to the depth of 250' off Sunrise Boulevard coming out of Port Everglades. He stated the television was the first public presentation of common sense steps to improve water quality. He stated things were getting worse and something needed to be done and fully supported this program. He felt they needed to get a handle on these things.

Chair Barry Flanigan asked what Mr. Shallenberger wanted this Board to do this evening in regard to this matter. Mr. Shallenberger stated that he wanted this Board to decide whether they wanted to pursue this program, and if so, it would then be presented to the City Commission for endorsement. If this Board did not endorse this program, he felt the Commission would uphold the Board's decision and not move forward.

Motion made by Dr. Udell and seconded by Joseph Hessmann that the Marine Advisory Board recommend to the City Commission to further investigate the Adopt-A-Waterway Program.

Chair Barry Flanigan asked if the Board would entertain an amendment that would include staff searching for matching funds for such a program. Mr. Polizzotto explained that the contract could include conditions to fit the City of Fort Lauderdale's needs. He stated that such an agreement would be presented by staff to the City Commission.

Motion was as follows including the proposed amendment:

Motion made by Dr. Udell and seconded by Joseph Hessmann that the Marine Advisory Board recommend to the City Commission to further investigate the Adopt-A-Waterway Program, and that staff would explore if matching funds were available in connection with such a program. Board unanimously approved 10-0.

Chair Barry Flanigan asked if Norbert McLaughlin would be involved in this program since he had first brought this matter to the Board's attention, and monitor the matter and keep the Board advised. Mr. McLaughlin confirmed. He stated that Boynton Beach about 4-5 years ago and moved a lot of their outfall into a settling basin and were continuing to do so. He stated it was similar to what one saw when traveling on the turnpikes.

Chair Barry Flanigan stated that in Dade County they were required and mandated to have water retention off the property at new construction.

Discussion – Kite Surfing on Public Beach

Jamie Hart stated that at a previous meeting, Joseph Hessmann had requested a copy of the agreement that the City had with the vendor of the non-motorized watercraft concession located on the public beach on A1A just north of the south beach parking lot. He stated that this was a limited concession, and it appeared clear to him that kite surfing was permitted in the agreement. He explained that it had been granted on a trial basis, and he had not heard of any problems with this concessionaire. He stated that he had a large chase craft and Parks felt it was not necessary. He further stated that he believed there was a limitation for only one chase craft and the individual had agreed to remove one.

Jamie Hart advised that Beach Patrol was now part of Fire-Rescue. He stated that he believed the contract still fell under Parks jurisdiction. He stated that Stu Marvin could probably elaborate more about this operation.

Stu Marvin, Aquatic Complex Manager, stated that they had acquired the bid package which included kite surfing as an option in the RFP. He explained a letter had been created allowing this operation on an experimental basis, and he stated they were getting what they wanted from the concessionaire.

Sgt. Mike O'Connor stated that they had not had any problems with the operation.

MARINE ADVISORY BOARD MEETING

MAY 6, 2004

PAGE 8

Joseph Hessmann stated he lived in the area and acknowledged that there had been a few problems. He continued stating that in the South Florida Kiteboarding Association Rules and Procedures, #8 stated:

"All Kiteboarders, whether association members or not, will check in with Watersports Unlimited (954-763-4020) prior to setting up kites for a safety briefing and determination of appropriate wind, ocean, and weather conditions."

Mr. Hessmann continued stating that kiteboarders showed up after the owner had left for the evening, and came within the buoys that were out for the swimmers. He stated they should not be allowed to come inside those buoys. He stated that he had also seen them come down a couple times during strong winds. He explained that he was not bringing up this problem to stop any operations, but only wanted to solve the problem. He stated that if anyone on the beach was endangered, the responsibility would fall back on the City. He added that a few times he had sat and watched them ride the waves in, and it was his understanding that the cables were about 100' and sometimes when landing the kites were some times out of the permitted boundaries. He remarked that usually it happened during the evening hours after Chris had left.

Mr. Hessmann reiterated that this contract was renewed annually and the by-laws, which they created and the City had agreed to, should be enforced. He stated that no one had the right to come inside the buoys after the lifeguards were gone. He reiterated that the rules and procedures needed to be followed more closely and enforced.

Mr. Thornburg stated that he did not feel the responsibility should be on the vendor once he closed shop, but should fall to the Police Department and Parks & Recreation to continue to enforce the rules. Mr. Hessmann asked who would enforce the rules after hours and how could the problem be corrected.

Captain Diaz, Ft. Lauderdale Police Department, stated that his responsibility was the north end of the beach, and reiterated there were a limited number of officers available to patrol the area. He stated there was no way they could monitor this situation. He stated that unless the Commission adopted an ordinance regarding this operation, there was not much that could be done.

Sgt. Mike O'Connor stated that if they saw a violation regarding the buoys, action was taken either verbally or with a written citation. He stated they also responded to calls for service.

Chris Kjos, Water Sports Unlimited, Inc., stated that this was an important issue, and announced that this sport had appeared in the City about 5 years ago. He stated further that it has been growing ever since, and there were about 50 people doing it now. He advised there had been no incidents in his area and all laws were being enforced. He stated that all kite surfers had a copy of the rules, and announced that the most important thing was to stay away from the shoreline. He explained that the sport was to be done away from the shoreline outside of the buoys at all times. He stated that if anyone was witness to any violations, they were welcome to call him and report them.

Mr. Kjos asked how he could go about getting some signs that previously had been on the beach which had stated: "Vessel Launching Area." He stated they had designated a zone for such sports, but now there was no designated signage indicating a law enforcement area for the beach. He stated there was a real need for signage in the area. He proceeded to show on a map the designated zone for the sport, but stated that he felt the boundaries should be expanded, and suggested they obtain another 150'.

Chair Barry Flanigan asked if there was a National Association of kite surfers. Mr. Kjos replied they were an associated group.

It was announced that during the month of June all such type of issues would be addressed by the police and marine patrols.

Rick Yossi, Director Florida Kite Surfing Association, stated they formed about 3 years ago with the sole intent of promoting safe and responsible kite surfboarding practices and sustained access to the sport. He stated that Chris Kjos had the best run designated kite boarding launching that he was aware of in the US. He stated that on occasion he had launched from the north beach and it could be done under certain conditions. He reiterated that this sport should not be mixed with crowds. He stated they were working one educating people more in order to promote good practices, but it was an evolving process.

Presentation – Riverwalk South Conceptual Design Project

Mike Fayyaz, Engineer, stated they had been working on this design, and this Board had asked for certain improvements to be made on this project. He proceeded to explain the site plan. He advised they were going to create a pedestrian friendly area and showed the location on the map. He stated there would be a 14' lane for emergency vehicles, and a green path for walking. He advised there would also be 7 marine service centers in the area.

Norbert McLaughlin stated that nothing had been mentioned regarding water quality and retention, and asked if that could be done. Mr. Fayyaz stated that the street already had a system in place. He stated that the construction sites were required by Code to keep their water on site. He stated further that there would be 14 slips in the area and 13 parking spaces were being provided because one of the slips wasn't really useable by larger boats. He showed where the parking spaces were located on the map.

Chair Barry Flanigan asked if there was the possibility of installing a floating dock in the area. Mr. Fayyaz replied there was a possibility, and stated that they were going to receive a \$1 Million grant from the County, and were also applying for an additional \$1 Million in matching funds from FIND in order to complete the project. Jamie Hart explained that the Parks Department had applied to Broward County for funds from the County's Parks Bond Program, and received the first \$1 Million grant. He believed that about \$500,000 went towards the marine facility.

Chair Barry Flanigan asked when the bond expired. Mr. Fayyaz stated their schedule to complete the project would run until 2006.

Chair Barry Flanigan stated that from the minutes of this Board from June 2003, it was stated that \$1 Million had been obtained from Parks to complete the Riverwalk/Andrews Avenue/Third Avenue project. He understood the timeframe given then to complete the project was 1½ years. Mr. Fayyaz advised that the completion date could be amended which they would be looking to do once they secured the matching funds.

Rick Schulze asked if the street was going to be one-way going west. Mr. Fayyaz proceeded to explain the roadway system on the map.

Alan Webster stated that he was in the marine business and asked for further clarification of the parking spaces. Chair Barry Flanigan stated that it appeared to be the same on both sides. Jamie Hart stated that possibly permits could be gotten for a day and explained where there was a meter parking lot located. Mr. Webster further asked if there was to be a fence or wall separating the redevelopment area. Mr. Hart replied there were no plans for either a fence or a wall.

Mr. Fayyaz advised that by the end of the year the plans should be finalized for the project.

Barry Flanigan stated that he was reluctant to see the Board endorse something that's not final.

Jamie Hart stated that he felt this concept defined most of what the Board wanted.

Mike Fayyaz said that if they get a commitment from the Board, they would go to FIND in June and then they would start finalizing the plan, and that sometime by the end of this year they should have the final set of plans ready at which time staff would come back to the Board.

Norbert McLaughlin thought that what Barry is probably skeptical of is that a lot of times when staff comes to the Board with this kind of proposal and the Board approves what they have been presented that by the time it gets actually to what will be constructed the plan has changed 100%.

Mike Fayyaz reminded the Board that the designer only finished this yesterday and they were the first to see it. He stated that this is what staff is proposing to show everyone else. He said that he cannot give a guarantee to the Board that by the time it goes to the City Commission that it will not have changed, but this is their plan and it represents the road we're going.

Barry Flanigan said that he felt this Board is concerned with maintaining both dockage and parking for the same. He recalled that at the June 2003 Board meeting that it was stated that the completion of the Riverwalk would compliment the marina. He thought we should provide an endorsement that this Board is in support of this concept plan and are looking forward to the final presentation for review and as it addresses the marina slips and parking.

Joe Hessmann stated that it gets my vote.

Robert Duncan asked whether we need to recommend this to the City Commission now or do we wait?

Mike Fayyaz said we'd like you to do it now because we want to go soon to the City Commission just before we go to FIND. There was further discussion clarifying that the consent of the City Commission was needed before making the presentation to FIND.

Barry Flanigan said, I think it's clear that we need to continue complementing the marina so we don't find Riverwalk Inc. turning around and saying well you know this is a Riverwalk. Richard Duncan agreed saying this aspect is a City of Fort Lauderdale Marina.

Barry Flanigan continued suggesting that in the future we remove the regional park name on the plan because that gets a lot of people confused. He was aware that Jamie got some calls about it, questioning what's this regional park coming down here?

Mike Fayyaz stated that as you saw in the application for the park grant, that's what the County called it and we just put that name on the plan. That name will not be published in any other way.

Joe Hessmann asked if it were possible to have a copy of this plan, maybe not that large, rolled up for every member of this Board so we can see what we have tonight, because in three weeks, it's gonna be somehow different.

Motion by Rick Schultze and seconded by Eugene Zorovich that the Board give the recommendation to the City Commission that staff follow the design as presented now which falls in line with what this Board has discussed in the past and agreed on, and that the Board would not like to see any major changes made to it that would be inconsistent with the present design.

Mike Fayyaz stated that they had looked at several different options, just so you know, we looked at a lot of possibilities. This was the only thing we could do to accommodate all the needs.

Joe Hessmann stated that we got the 13 slips, and we got the 13 parking spaces. We can see what you're doing and like we said -- follow the plan.

Motion passed unanimously 10-0.

Update – Status of Privatization of Marine Facilities

Jamie Hart stated that a questionnaire had been sent by the Budget Office to all departments that had operations that were under consideration for outsourcing and privatization. He explained the questions were fairly standard. He added that at this point, it would basically be up to the City Commission and the matter was scheduled for their May 18, 2004 meeting. He stated that they would determine if the facilities fell under the proposed criteria.

MARINE ADVISORY BOARD MEETING

MAY 6, 2004

PAGE 12

Jamie Hart reviewed the responses provided on the survey for Marine Facilities. He pointed out that there were State Submerged Land Agreements and County Agreements involved that required review for possible impacts. He stated that their current year budget was \$1,234,189. He stated their employee turn-over at the facility was about one per year. He added that there were 2-3 and possibly more providers for such services available. He felt it would take about 1 to 1 1/2 people to manage the contract.

Jamie Hart stated that one question asked how much in savings could be obtained if the work was contracted out. He stated that he felt that there would be a loss of net revenue for the General Fund which was receiving about \$1 Million net annually. He stated that the service fee would be the City's established rates and fees. He stated that the biggest impact if this operation was outsourced would be that the City could lose their tax exemption for ad valorem property tax.

Chuck Adams clarified that they did not know if outsourcing would trigger taxation, but they believed that in order to not trigger taxation, they would have to be in absolute control of setting the parameters for every service to be provided. He explained that they would have to specify what the provider was to provide in regard to services, and then it would still need to be determined whether such a contract would trigger the taxation issue or not.

Chair Barry Flanigan stated that he did not think there was a provision in the Las Olas Marina document that would allow a private entity to take over, and the State would still be involved in receiving lease payments.

Chuck Adams explained that under an outsourcing approach, they would only be contracting for someone else to run the marinas, and the real issue was that the City would be held hostage to properly administer the conditions of the submerged land lease. At Las Olas, he explained, there were mandatory requirements from April 15 to October 7 to keep an occupancy of no more than 67% of the slips per day during that period of time. He stated it was not just any slips, but those left open to assist in the growth of the seagrass. If the new operator failed to comply, the City would be subject to fines and potential loss of the lease as an example of the City's continuing liability.

Eugene Zorovich stated the key to outsourcing was that they were basically saying the net difference was non-existent but here there was a potential loss in revenue. Jamie Hart stated there was risk involved, and typically when one outsourced, it was done to cut cost or increase revenue.

Chuck Adams stated that the Budget Office was collecting the surveys and there was a list of operations that had been asked to provide such information for possible outsourcing. He stated he could not say what would be the outcome at the upcoming City Commission meeting regarding this matter. He stated that the likely scenario was that the Commission would potentially agree to pursue outsourcing for some operations and disagree with others. The results of the Marine Facilities analysis itself might suggest that some of the candidates should be removed from the list and narrow it down. For those operations selected and prioritized, there would probably be an RFP process to see what type of bids would come in. He further stated that he understood to be the process, but that it was not clear where Marine Facilities would fall out.

Chair Barry Flanigan asked if the Budget Office staff would then provide a copy of their recommendation to the Commission. Chuck Adams confirmed and stated it was due to go out before the Commission meeting on May 18, 2004. Chair Barry Flanigan stated he wanted Jamie Hart to receive a copy of such recommendations when they went to the Commission so the Board members could review it. It was suggested that the Board members attend their Commissioner's pre-agenda meeting to discuss the matter.

Richard Duncan asked if they should make a recommendation as a Board to the Commission regarding the marinas. Chair Barry Flanigan reiterated that this Board had requested to review information pertaining to privatization. Ryan Campbell stated that the Board could now act based on the figures presented to them tonight, and that they did not recommend that the Marine Facilities of the City be pursued through privatization or outsourcing efforts. Chair Barry Flanigan reminded the Board that the Commission would not see this Board's minutes until after May 18th. Jamie Hart stated that they could be provided a copy of this portion of the minutes.

Ryan Campbell suggested a proposed motion and asked for assistance on the wording from Board members. Eugene Zorovich offered some clarifying language.

Motion made by Ryan Campbell and seconded by Rick Schulze to recommend to the City Commission that based on the information provided in the response to the questionnaire as presented by staff at the May 6, 2004 Marine Advisory Board meeting that there are no benefits to the outsourcing of City of Fort Lauderdale marina operations, and that the Board finds that it makes no sense and does not recommend that it be pursued further. Motion passed unanimously 10-0.

Presentation – Waste Busters Waterway Pollution Predator Alternative

Jamie Hart stated that this operation could be a candidate for outsourcing in order to cut costs.

Joe Miano stated they had been in business for about 12 years, and their main business was pumping out of boats. He stated they now decided to go into the garbage business. He stated they had researched the available vessels for this type of operation on the Internet and found none that seemed appropriate. He explained they went back to the drawing board and attempted to design a boat that would not only be a garbage boat, but an assistance boat. He stated they had decided on a hydraulic boat because nothing would be discharged into the water and it would be self-contained. He stated they designed a system to pick up garbage, while cleaning the water. He further stated the City could explain to them what they wanted filtered out of the water, and they would provide the appropriate filters. He stated one thing they wanted to put on the boat which became controversial was a re-oxygenation of the water.

Mr. Miano proceeded to show photographs of the proposed boat. He stated their company was interested in selling their boat and in a lease and partnership with the City. He stated there were no vessels like theirs and advised the Board it was parked on the water if anyone wanted to inspect it.

Rick Schulze reiterated that the Pollution Solution was a very similar type vessel and they had many problems with it. Mr. Miano stated the other similar boats were only 1/3 into the water. He stated their design had everything contained inside the boat, and if there were any leaks it would go back into the filtration system. He further stated their design was very similar to a garbage truck and proceeded to explain the system. He explained this design would permit there to be containers for dumping anywhere in the City. He explained further that one of the draw backs on the boat the City was currently using was that it had not been a good design. He reiterated that it was not designed to work 12 months out of the year, but was designed to work 2-3 months during the summers up north.

Mr. Miano explained it would pick up garbage on the water at approximately 3 knots and the traveling speed would be 8-9 knots. He stated that one of the things that made it unique was there was a gear driven by hydraulics that pushed everything forward which would serve two purposes. One purpose was for off-loading, and the other was that when there was a full load in inclement weather, they would be able to stabilize the boat. He felt it was an interesting design and urged the Board to stop by and look at the boat.

Richard Duncan asked what would be done with the Pollution Solution. Norbert McLaughlin stated that he favored privatization for this operation, and he did not feel the vessel they presently had was efficient. He felt this design was safer than the vessels on the market.

Eugene Zorovich stated that he was concerned where all the bins would be located for the dumping of the debris. He reiterated that there was a lot of garbage in the canals and many bins would be needed for dumping.

Rick Schulze stated that the benefit of the Pollution Solution which was not being addressed was the fact that trees and large articles of debris could be removed by it, and asked if this boat would be able to do the same. Mr. Miano stated this boat was 7' wide and should be able to handle large items of debris. Rick Schulze stated that the proposed boat appeared to possibly be more efficient, but the ancillary aspects needed to be considered. Mr. Miano further stated that he thought the City wanted to save money, and that could be done with this design. He stated it was not reasonable to think that this one vessel would take the place of 4-6 employees, and possibly when figuring out costs two boats should be considered.

Mr. Miano stated they had never received any complaints in regard to their operation in the last 12 years, and therefore, fees were waived due to their good reputation. Rick Schulze asked if this boat could be put on a trial basis to see how the operation would run. Mr. Miano confirmed, but stated the trial basis could not be shorter than 6 months.

Jamie Hart explained the contract could be set up for a specified period of time to see how the operation would perform.

Rick Schulze stated his concern was that if they decided to proceed with this boat on a trial basis and things did not work out, so the existing vessels could be put back into service. Jamie Hart reiterated that a contract could be set up on a trial basis.

Chair Barry Flanigan asked if the Board wanted to consider this presentation as an update of information. The Board unanimously agreed.

Old/New Business

- Canal Debris

Eugene Zorovich stated that he wanted to bring up the issue of debris in the canals. He felt something more needed to be done. Jamie Hart reiterated that if lawn services were involved, the name could be taken from the truck and complaints phoned into Code Enforcement. He stated that calls could also be phoned into Broward County because they were responsible to service the waterways regarding pollution.

- Barge Service

Eugene Zorovich asked if marine facilities were responsible for the individuals west of Bayview having open service by barge. Jamie Hart asked if this matter had been brought to the attention of the District Commissioner. Mr. Zorovich stated he had not done that yet, but he had been informed by the City Engineer that the area was 17.2' after repairs. Jamie Hart stated that he would check into the matter, but reiterated that this needed to be brought before the District Commissioner.

- Tarpon River Update

Rick Schulze stated that in regard to Tarpon River, a Work Order had been instituted for sanitation and the problem would be addressed from the west end. Chair Barry Flanigan suggested that pictures be taken and then they could further discuss the issue.

- June/July Meetings – Marine Advisory Board

Chair Barry Flanigan suggested that these meetings be opened to the public through a phone system in the future. He felt that about 15 minutes could be taken to hear from the public regarding issues they wanted to have addressed. He felt it was important to hear from the public and receive their complaints. He suggested it be tried on a trial basis. He also suggested that an e-mail address be published for the dock officer so items could also be addressed in that fashion.

Chair Barry Flanigan suggested that the Board's next two meetings be held at the Las Olas Marina.

- Website Update

Ryan Campbell suggested that this Board's agenda be published on the web site. Jamie Hart felt that was a good idea.

- Dredging Alternatives

A member of the public suggested that other alternatives be explored to dredging. He stated that he did not feel dredging worked. He proceeded to distribute information to the Board which included costs.

Chair Barry Flanigan stated what concerned him was what was being done to replace individuals and their jobs. He explained that Marlene was willing to work for the City on a part-time basis, but according to the current categories being used she would not fall into one on any basis. He suggested that a letter be sent from this Board to the City Manager that they look into recognizing the talents and experience that Marlene has so she could be employed on a part-time basis and continue with the City. He suggested that Jamie Hart write such a letter.

Chair Barry Flanigan reiterated that possibly other employees could be used on a part-time basis and coverage would be maintained and the level of service would not be impacted. Jamie Hart stated if the position was not full time, it would have to be reviewed and approved by the City Manager due to the budget situation, unless the position was funded.

Joseph Hessmann recommended and Rick Schulze agreed that a letter be sent to the City Manager suggesting that a part-time positions be offered to individual employees so as to maintain levels of service in various departments. The Board unanimously agreed.

Reports

- Fires on Waterways

Chair Barry Flanigan stated that two weeks ago there had been a major fire on a yacht, and that had been the second time there had been one in the area. He stated that he had discussed the situation with Frank Herhold and they felt there needed to be a uniform County/City response team to fight such fires with foam and not water. He stated that some firemen had also been put in jeopardy during the fighting of the fire. He suggested that the City's Fire Department attend a meeting and discuss the situation.

Ryan Campbell stated that the County did not have a Fire Department any longer, and it was now a part of the BSO. Chair Barry Flanigan reiterated that all concerned parties should meet and discuss the matter.

- Surveys/River

Chair Barry Flanigan asked when the surveys would be available regarding the construction along the north side of the River. Jamie Hart advised that a report would be given at this Board's next meeting.

- Phone Number/Marine Meetings

Chair Barry Flanigan advised that the phone number to be used by the public to call into this Board's meetings beginning next month would be (954) 828-6507.

- Waterway Crime & Boating Safety

The officer advised that a detailed report was not available due to the fact that their attention had been devoted to the Air & Sea Show. He stated that the good news was that there had been a rash of burglaries since last October on boats along Las Olas, and many cities from West Palm Beach to Miami Beach had the same problems. A resident along 7th Street had noticed some suspicious activity in the area, police were called and response was made, and individuals had been arrested confessing to various burglaries. He felt this was a step in the right direction.

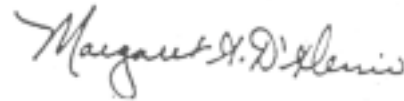
Joseph Hessmann reported that a member of the public had just phoned into this Board and stated they wanted to thank the Board for tonight's meeting, and they felt the phone number and input suggestion was a good idea.

- Broward County Marine Advisory Committee

No report given.

There being no further business to come before this Board, the meeting was adjourned at approximately 10:05 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Margaret A. D'Alessio".

Margaret A. D'Alessio
Recording Secretary